



United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Agricultural
Marketing
Service

Washington, DC
20250

Fruit and Vegetable Programs

June 2003

ANNOUNCEMENT FV-320

Purchase of MISCELLANEOUS PRODUCTS

For Distribution to Eligible Outlets



ANNOUNCEMENT FV-320
June 2003

I.	GENERAL	4
A.	Invitations	4
B.	Read and Understand All Contract Documents Carefully	4
C.	Transportation	5
D.	Responsibility of Offerors	5
1.	Annual Certifications, Representations, and Warranties	5
2.	Standard Form 129—Solicitation Mailing List Application	6
3.	Responsibility	7
4.	Responsibility of Subcontractors/Suppliers	7
5.	Past Performance	7
E.	Buy American Certification	8
F.	Domestic Products	8
G.	Kosher Products	10
H.	Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity	10
II.	SUBMISSION OF OFFERS	11
A.	Where and when to Submit Offers	11
B.	What to Submit	12
III.	ACCEPTANCE OF OFFERS	16
IV.	PROVISIONS OF CONTRACT	16
V.	CONTRACT COMPLIANCE	17
VI.	LOSS	17
VII.	INSPECTION	18
A.	Scheduling Inspection Service	18

ANNOUNCEMENT FV-320

June 2003

VIII.	SHIPMENT AND DELIVERY--TRANSFER OF TITLE	<u>18</u>
A.	Delivery/Shipping Requirements	<u>18</u>
B.	Early Delivery or Shipment Requests	<u>19</u>
C.	Transfer of Title	<u>19</u>
D.	Quantity Tolerance	<u>19</u>
IX.	LIQUIDATED DAMAGES	<u>19</u>
A.	Compensation to Contractor for Late Mailing of Notice to Deliver	<u>19</u>
B.	Compensation to USDA fir Delays in Shipment	<u>20</u>
X.	INVOICES AND PAYMENT	<u>20</u>
XI.	INQUIRIES	<u>21</u>
	License Requirement of the PACA	<u>22</u>
	Exhibit A Checklist and References to Applicable Bid and Contract Provisions	<u>23</u>
	Exhibit B Sample Invitation	<u>24</u>
	Sample Format for Submitting Offers Via FAX	<u>26</u>
	Exhibit D Domestic Origin Certification	<u>28</u>
	Exhibit E Solicitation Mailing List Application (SF-129)	<u>29</u>

The Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audio tape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call 202 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

ANNOUNCEMENT FV-320

June 2003

PURCHASE OF MISCELLANEOUS PRODUCTS FOR DISTRIBUTION TO CHILD NUTRITION AND OTHER FOOD NUTRITION PROGRAMS

I. GENERAL

A. Invitations

The United States Department of Agriculture (USDA) will periodically issue Invitations under this Announcement for offers to sell to USDA miscellaneous products as described in the attached Checklist and References to Applicable Bid and Contract Provisions (Exhibit A). In addition to product descriptions, this exhibit also provides information on applicable commodity specifications (published separately) and a checklist of applicable bid and contract provisions as described in this Announcement.

The Invitations will specify the product type, the offer date, the closing time for receipt of bids, the delivery or shipping period, the destinations for delivery (with any transportation restrictions), and any other provisions applicable to the proposed purchase which are in addition to or different from those set forth herein (see Exhibit B for an example of an Invitation).

Unless stated otherwise in the Invitation, all Invitations issued under this Announcement will incorporate FAR 52.219-4 Notice of Price Evaluation Preference for HUBZone Small Business Concerns and FAR 52-219-1 Small Business Program Representations. The North American Industry Classification System (NAICS) code for this Announcement is 311999, with a small business standard of 500 employees.

Additional bid and contract provisions are included in both Appendix 1, and in the General Terms and Conditions for the Procurement of Agricultural Commodities or Services, Revision 2, dated November 1984, and Amendments 1, 2, 3, and 4, dated October 1990, November 1990, August 1989, and March 1990, respectively, hereinafter referred to collectively as USDA-1.

B. Read and Understand All Contract Documents Carefully

Offerors are cautioned to carefully read this Announcement, Appendix 1, USDA-1, and the current Commodity Specifications for Miscellaneous Products and Invitations. Failure to do so will be at the offeror's risk. These documents are incorporated into the contract (see Section IV of this Announcement). Offerors are cautioned that statements made by persons other than the Contracting Officer are not binding on the Government unless confirmed in writing by the Contracting Officer.

ANNOUNCEMENT FV-320

June 2003

C. Transportation

Offer prices must be on a f.o.b. destination or f.a.s. vessel basis, unless otherwise specified in the applicable Invitation. Offers will be invited on a purchase unit basis or multiples thereof, except when the Invitation indicates multiple destinations for a line item, which will require a split deliveries (drop) from the same delivery vehicle. Certain destinations require delivery by truck only or rail only and will be so identified in the Invitation.

When notified of shipments, consignees may request upgrading of delivery services, for example, delivery within a consignee's premises or to a specific room within a building. Such delivery terms are beyond USDA contractual requirements. Any negotiations to upgrade services and any additional charges for special delivery terms are between the Contractor and consignee.

When making deliveries to more than one destination from the same railcar, the quantities required at each stop-off must be placed or marked separately, with a master seal for the railcar. Each railcar compartment must be stacked in a manner that will preclude containers shifting while in transit.

If transportation is provided by common carrier, the Contractor must, in support of Contractor's invoice, furnish a copy of the signed commercial bill of lading (or other commercial receipt) evidencing delivery and receipt of the product covered by the Contractor's invoice to the destination specified in the contract. If transportation is provided by other than common carrier, the Contractor must, in support of the Contractor's invoice, attach a receipted copy of the appropriate delivery document showing delivery and receipt of the product covered by the Contractor's invoice at the destination specified in the contract.

D. Responsibility of Offerors

1. Annual Certifications, Representations, and Warranties

An offeror intending to submit bids must complete the Annual Certifications, Representations, and Warranties (Appendix 1) and return it to the Contracting Officer at the mailing address listed in Section II. A. of this Announcement prior to the submission of their initial bid. The Appendix 1 must be signed by an officer of the company listed on the Standard Form 129 (see paragraph 2, below). If there are any changes or revisions to the Appendix 1, offeror must promptly submit an updated Appendix 1 to the Contracting Officer, or attach corrections or revisions at the time of bid offering. Provided there are no changes to Appendix 1, it is valid for one year from the date signed. At the end of one year, a new Appendix 1 must be submitted.

ANNOUNCEMENT FV-320
June 2003

2. Standard Form 129—Solicitation Mailing List Application

An offeror intending to submit bids must also complete a Solicitation Mailing List Application (SF-129) and return it to the Contracting Officer at the mailing address listed in Section II. A. of this Announcement prior to submission of their initial bid. If a SF-129 is currently on file, offeror must resubmit the form if the information contained on the previously submitted SF-129 is no longer accurate.

All items (except Item 18) of the SF-129 must be completed (see Exhibit E). Offeror must also include the following information for Items 4, 8, 10, 16B, 19, and 20:

Items 4 and 8: Identify Taxpayer Identification Number (TIN) for the offeror and TIN of any parent company. TIN means the number required by the Internal Revenue Service (IRS) in reporting income tax and other tax returns.

All offerors are required to submit a TIN in order to comply with reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M and implementing regulations issued by the IRS. The resulting contract is subject to the reporting requirements described in FAR 4.903. The failure or refusal by the offeror to furnish the information may result in a 31 percent reduction of payments otherwise due under the contract.

Item 8: Identify all affiliates of the offeror (applicant listed in item 4) by providing the affiliate's full name, main offices address, and TIN. Offeror must include any parent companies. An "affiliate" is defined on the back of the form.

Item 10: The products the offeror is interested in supplying, weekly volume of production, capacity, and percent of capacity available for USDA contracts.

Item 16B: Identify the freezer or warehouse to be used and its storage capacity.

Items 19 and 20: Must be an officer of the company, as identified in Item 9.

Note: Offeror must certify to the present accuracy of the current SF-129 and Appendix 1 on file with the Contracting Officer each time a bid is submitted.

ANNOUNCEMENT FV-320

June 2003

3. Responsibility

A firm submitting an offer under this Announcement must meet the Federal standards for responsibility contained in Title 48 C.F.R. Subpart 9.1, USDA-1, this Announcement, and Invitations. Facilities to be used in fulfilling USDA contracts must be operating under the provisions of the Food and Drug Administration's Good Manufacturing Practices (21 C.F.R., Part 110), to include a current annual plant survey.

4. Responsibility of Subcontractors/Suppliers

Contractor shall include the responsibility terms in D. 3. above in every subcontract for supplies or services used by the Contractor in fulfilling USDA contracts either directly or indirectly and obtain certification of responsibility as described in Appendix 1 to this Announcement from subcontractors and suppliers.

Contractors shall include the domestic product clause in I. F. in all subcontracts for vegetable products used in fulfilling any contracts under this Announcement. Contractors shall obtain certification from subcontractors or suppliers of vegetable products to be used in fulfilling contracts; this certification must be approved by the USDA, Agricultural Marketing Service (AMS) Fresh Products Branch (FPB) for compliance with domestic origin requirements prior to their performance on the contract. If the subcontractor(s) is operating under a segregation plan approved by FPB, all foreign product must be identified per Paragraph I. F. of this Announcement.

Subcontractors or suppliers of vegetable products will be deemed nonresponsible if:

- (a) They process or otherwise handle non-domestic products and do not have a domestic product segregation plan approved by the FPB;
- (b) They are not operating under all applicable provisions of the Food and Drug Administration or governing State Agency where the processing facility is located and/or do not possess a current annual plant survey; or plant systems audit.
- (c) They have been suspended or debarred under the provisions of 48 C.F.R. Subpart 9.4, or if they have been suspended or debarred as an affiliate of any party who has been suspended or debarred under the provisions of 48 C.F.R. Subpart 9.4.

5. Past Performance

The offeror must certify to timely performance on current contracts and subcontracts in Item 9 of the offer. A determination that late performance is beyond the control or negligence of the Contractor or the subcontractor must be made by the Contracting

ANNOUNCEMENT FV-320

June 2003

Officer prior to bid opening. An offeror may be deemed nonresponsible if the offeror or any of their affiliates or subcontractors are delivering late on other contracts or subcontracts with USDA and the late delivery is not due to causes beyond the Contractor's or the Contractor's subcontractor's control or negligence. This provision, as it pertains to small business, is a deviation from 48 C.F.R. Subpart 19.6.

Bidders are cautioned NOT to BID on quantities in excess of what they can reasonably expect to timely deliver in accordance with the contract. Deliveries must be made during the contracted delivery period and no extensions will be granted due to weekends or Federal holidays. Because this commodity is used in domestic food programs, on-time delivery is imperative. See Section IX. B. as to the importance of timely delivery and the difficulty inherent in quantifying actual damages for delay in delivery. Late deliveries cause serious and substantial damages to USDA and to other agencies that use the commodity. Contractors must inform the Contracting Officer, as soon as possible, of late deliveries and how soon delivery can be expected. This provision is a deviation from 48 C.F.R. § 9.103(b) and § 19.6.

A false certification may result in rejection of the offer, suspension and debarment by USDA, termination of the contract, liability for damages under the provisions of USDA-1, other administrative actions, or criminal prosecution.

E. Buy American Certification

Products must be of domestic origin as defined in I. F. below. This provision is a deviation from 48 C.F.R. part 25 and for the purposes of this Announcement supercedes Article 49 of USDA-1.

F. Domestic Products

All vegetable products to be used in fulfilling contracts awarded under this Announcement must be grown, processed, and packed in the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the Trust Territories of the Pacific Islands (hereinafter referred to as the United States) in accordance with responsible commercial practices, during the packing season, and from the crop year(s) specified in the Invitation.

All product must meet the requirements specified in the applicable U.S. Standards for Grades (7 C.F.R. part 52) and applicable commodity specification effective on the date of the Invitation and any additional requirements listed herein.

If any similar product originating from sources other than the United States are processed or otherwise handled, Contractor shall develop and maintain an identification and record

ANNOUNCEMENT FV-320

June 2003

system for these products to ensure that non-domestic products are segregated and not used to fulfill contracts awarded under this Announcement. Such segregation plans must be made available to the AMS inspection and/or audit agent.

The Contractor must ensure that both the Contractor and subcontractor(s) maintain records including, but not limited to, invoices, production and inventory records evidencing product origin, load or warehouse storage receipts for raw product (i.e., bin tags), product coding explanations, finished product warehousing records, shipping or payment records, or other documentation or evidence that clearly establishes the product's domestic origin. Contractor agrees to make such records available for review by the Government in accordance with Article 76 of USDA-1.

Contractor agrees to include this domestic origin certification clause in all subcontracts for products used in fulfilling any contracts awarded under this Announcement. Contractor further agrees to obtain the documentation described above from each subcontractor. Contractors must ensure that documentation provided by any subcontractors demonstrates that the product is of domestic origin.

At the time of shipment the AMS agent will select and review at least one code for each contract to determine compliance with the Agency's domestic origin requirements. Subsequent AMS audits will examine as many codes as is necessary to verify compliance.

The forms, Domestic Origin Certification (Exhibit D), from contractor and all subcontractors must be provided to the AMS agent prior to inspection. Contractor certifications must be signed by an authorized individual as indicated on the contractor's current SF129 (Solicitation Mailing List Application). Signature authority for the Certification of Origin, only, may be delegated to other more informed individuals. Such delegation of authority must be on company letterhead and signed by an officer of the company. A copy of this delegation must be provided to the USDA Inspector, prior to inspection, and a second copy provided to the Contracting Officer.

The burden of proof of compliance is on the Contractor. Failure to observe this requirement may lead to contract termination, suspension or debarment or other administrative actions, and penalties at Title 18, Section 1001 of the U.S. Code concerning falsification of information.

ANNOUNCEMENT FV-320

June 2003

G. Kosher Products

Occasionally, purchase units will be identified on Invitations as "Kosher Only" and will be so identified in the Invitation. Offerors must not bid on these purchase units unless they are properly certified to produce Kosher products. Vendors must attest to compliance with applicable dietary (KOSHER) laws as established by the "613 COUNCIL OF KASHRUTH."

A rabbanic supervisor will be sent by the Board of Jewish Education of Greater New York to visit the plant to certify compliance with the applicable dietary (KOSHER) laws as established by the "613 COUNCIL OF KASHRUTH."

Vendors receiving contract items identified as "KOSHER" must contact the Board of Jewish Education of Greater New York at (212) 245-8200, ext. 280

H. Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity

1. If the Government receives information that a Contractor or a person has engaged in conduct constituting a violation of subsection (a), (b), (c), or (d) of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) (the Act), as amended by section 4304 of the National Defense Authorization Act for Fiscal Year 1996 (P.L. 104-106), the Government may:
 - (a) Cancel the solicitation, if the contract has not yet been awarded or issued;
or
 - (b) Rescind the contract with respect to which:
 - (i) The Contractor or someone acting for the Contractor has been convicted for an offense where the conduct constitutes a violation of subsection 27(a) or (b) of the Act for the purpose of either (a) exchanging the information covered by such subsections for anything of value; or (b) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract;
or

ANNOUNCEMENT FV-320

June 2003

- (ii) The head of the contracting activity has determined, based upon a preponderance of the evidence, that the Contractor or someone acting for the Contractor has engaged in conduct constituting an offense punishable under subsection 27(e)(1) of the Act.
- 2. If the Government rescinds the contract under paragraph 1 of this clause, the Government is entitled to recover, in addition to any penalty prescribed by law, the amount expended under the contract.
- 3. The rights and remedies of the Government specified herein are not exclusive, and are in addition to any other rights and remedies provided by law, regulation, or under this Announcement.

II. SUBMISSION OF OFFERS

A. Where and when to Submit Offers

Offers, modifications and withdrawals must be submitted via the Internet by accessing the Domestic Electronic Bid Entry System (DEBES). Offerors may request vendor DEBES ID's and passwords by contacting the Contracting Office (202) 720-4517. Offers, modifications and withdrawals submitted by means other than DEBES will be considered nonresponsive.

Access the DEBES website at: <https://pcsd.usda.gov:3077/mdbc1000.exe?>

AMS will not be responsible for any failure attributed to the transmission of the bid data prior to being accepted and stored on our web server including, but not limited to the following:

- 1. Any failure of the offeror's computer hardware or software.
- 2. Availability of the offeror's Internet service provider.
- 3. Delay in transmission due to speed of the offeror's modem.
- 4. Delay in transmission due to excessive volume of Internet traffic.

◆ *Offerors are advised to allow sufficient time to input bids on the date of bid opening, due to the high volume of internet traffic.*

ANNOUNCEMENT FV-320

June 2003

If electronic bid submission is unsuccessful due to USDA system failure, offers should be FAXED prior to bid closing. Offeror MUST contact the Contracting Office prior to faxing offers.

If offers are submitted via FAX:

FAX: 202-205-1979 (24 Hours)

FAX receipt verification: 202-720-2104
(7:30 a.m. to 4:00 p.m., Washington, DC time, Mon.-Fri.)

Faxed offers, modifications or withdrawals of offers must be addressed to:

Contracting Officer
Fruit and Vegetable Programs
Agricultural Marketing Service
U.S. Department of Agriculture
Room 2546-South Building, Stop 0239
1400 Independence Avenue, SW
Washington, D.C. 20250-0239

Offers, modifications, or withdrawals of offers under this Announcement must be received in DEBES or the USDA-AMS-MSD Communications Office not later than **1:00 p.m., Central Time**, on the date specified in the Invitation. Whether an offer, modification, or withdrawal is received within the time limitation will be determined by the latest time recorded in DEBES or the time stamp recorded by the USDA-AMS-MSD Communications Office (if by facsimile).

B. What to Submit

1. Offers submitted through DEBES must include the following:

- (a) Answers to all certification questions.
- (b) Bid prices for as many item numbers as desired.
- (c) Constraints according to 2.(a)(4) below. At least one constraint must be entered before a bid can be submitted via the DEBES system.

ANNOUNCEMENT FV-320

June 2003

2. A faxed offer must include each of the following numbered items in the order listed.

Notes: Bids that fail to comply with any of these instructions will be considered nonresponsive.

Exhibit C, attached, is an example of how faxed offers may be submitted giving all essential details in the briefest possible manner.

1. Identify submission as a bid.

Example: Bid – ANNOUNCEMENT FV-320, Invitation No. ____.

2. Name, complete address of offeror, telephone number, and return FAX number.

NOTE: If more than one return FAX number is listed, the first one will be used for any acceptance wire.

3. A statement that the offer is made subject to Announcement FV-320; Appendix 1; the Commodity Specification for Fresh Miscellaneous Products dated ____; Invitation No. ____; and USDA-1, Revision No. 2, and Amendments 1 (October 1990), 2 (November 1990), 3 (August 1989), and 4 (March 1990).

Note: If documents are subsequently changed, offers must reference the new documents or amendments.

4. At least one of the following:

(a) State the maximum number (in whole purchase units) of each commodity type (if applicable) offeror is willing to sell for each delivery period; and/or:

(b) State the maximum number (in whole purchase units) of each commodity type (if applicable) offeror is willing to sell for the entire Invitation. and/or:

(c) State the minimum number (in whole purchase units) of each commodity type (if applicable) offeror is willing to sell for the entire Invitation. The minimum number (in whole purchase units) of each commodity type (if applicable) shall not exceed 3 purchase units.

ANNOUNCEMENT FV-320
June 2003

Notes: If the maximum number of units offered for either each delivery period and/or the entire Invitation is not quoted, AMS may award up to the maximum demand for each item offered.

Vendors may specify a maximum number of units offered for each commodity type (if applicable) and plant, or combination of plants, if more than one plant will be used.

5. The item number listed on the applicable Invitation, destination, and price per case delivered to specific destination. Indicate the shipping point, if more than one will be used.

Notes: Only one bid per line item number per offeror is acceptable. Quote only one delivered price per case for each destination or multiple destinations listed as one item number. If more than one price per item is quoted, the item number will be ruled nonresponsive. A single, numerical price per case must be indicated next to each line item number on which you intend to bid. The same price may not be carried from one line item to another through the use of quotation marks, arrows, or any other method.

The offeror may submit offers for as many item numbers as desired. The maximum quantity to be awarded per offeror is determined by the constraints quoted in Item 4 of the bid.

Offer prices may be quoted up to four places to the right of the decimal point. If other than four places, any digit past the fourth will automatically be dropped.

The Invitation will indicate any restrictions in the mode of shipment on particular destinations by indicating "Truck Only" or "Rail Only."

Offer must not state transportation restriction on bid. Restrictions are as shown on the Invitations.

The Invitation will indicate Kosher requirements at particular destinations by indicating "Kosher Only."

USDA may adjust the quantities listed on the Invitation based on offerings, market conditions, and/or program requirements.

ANNOUNCEMENT FV-320

June 2003

6. Name and location of each processing plant and shipping point (include complete street address and county). If the shipping point is the same as the processing plant, state "Same."
7. Name, complete mailing address, and telephone number of office or person to receive shipping and delivery instructions.
8. Offeror (DOES) (DOES NOT) certify that the SF-129 on file with the Contracting Officer is accurate and part of this offer.
9. Timely performance certification. Include answer (a), (b), or (c) as appropriate:
 - (a) The offeror and any of their subcontractors HAVE completed required performance of any contracts with USDA prior to this bid opening;
or
 - (b) The offeror and any of their subcontractors HAVE NOT completed required performance of any contracts with USDA prior to this bid opening and (HAVE) (HAVE NOT) notified the Contracting Officer;
or
 - (c) The offeror and any of their subcontractors DOES NOT have outstanding contracts with USDA.
10. Include answer (a) or (b) as appropriate:
 - (a) Offeror (DOES) (DOES NOT) certify that annual certifications, representations, and warranties dated (date Appendix 1 was signed by officer) which are incorporated herein by reference as Appendix 1, have been submitted to the Contracting Officer issuing this solicitation and that Appendix 1 is current, accurate, and complete as of the date of this offer and are a part of this offer;
and:
 - (b) Offeror (HAS) (HAS NOT) submitted changes or additions to Appendix 1 with this offer.

Note: If Appendix 1 is subsequently amended, offeror must reference such amendment by date.

ANNOUNCEMENT FV-320

June 2003

11. Offeror (IS) (IS NOT) requesting price preference as a Small Business Administration Certified HUBZone Business Concern.
12. Signature and title of person submitting the bid on behalf of offeror. The person submitting the bid must be an officer or representative authorized to sign an offer as evidenced by the SF-129 filed with the contracting officer. (See Article 6 of USDA-1 prior to signing any offer.)

III. ACCEPTANCE OF OFFERS

USDA will award contracts to responsible bidders whose bids conform to the Announcement and the applicable Invitation and whose offers are most advantageous to the Government in terms of, but not limited to, price, quantity requirements, and transportation costs. Acceptance of offers will be made by FAX filed at Washington, D.C. not later than midnight, Washington, D.C. time (EST), on the date specified in the Invitation. The actual time of award is the time stamped on the acceptance wire at time of receipt by the USDA-AMS-MSD Communications Office or agent thereof. The actual time of award described herein deviates from 48 C.F.R. § 14.408-1.

Failure to accept an offer will constitute rejection. Acceptance as specified above will result in a binding contract without further action by either party.

A notice of award will be issued in the form of a Food Purchase Report (FPR) posted at the Department's Office of Public Affairs, News Division, Washington, D.C., on the day of acceptance. After award, information is also available electronically at the following Internet address: <http://www.ams.usda.gov/cp>.

Information on awards will be available by telephone to bidders and interested parties promptly following the filing of contracts with the USDA-AMS-MSD Communications Office and the posting of the FPR. Inquiries may be made to an USDA - AMS Fruit and Vegetable Programs Commodity Procurement Office or the Contracting Officer.

IV. PROVISIONS OF CONTRACT

The contract consists of this Announcement including Appendix 1, the applicable Invitation, the applicable Commodity Specifications for Fresh Vegetables, the Contractor's offer including Standard Form 129 and Appendix 1, the acceptance by USDA, and USDA-1, except Articles 34, 49, 50 and all of Part E. Article 56 of USDA-1 is hereby amended by deleting the words "shipment from origin" from the third line of paragraph (a) and inserting in lieu thereof the word "delivery." Additionally, Articles 56, 65, and 67 of USDA-1 are hereby amended by deleting the words "ship", "shipping",

ANNOUNCEMENT FV-320

June 2003

“shipment(s)”, and “shipped” and inserting as appropriate the words “delivery(ies)” or “delivered.”

If the provisions of contract documents are not consistent, the following priority, in descending order, will prevail: Invitation, Announcement, Specification, Appendix 1 and USDA-1.

V. CONTRACT COMPLIANCE

The Contractor must assure compliance with all requirements of this Announcement and the applicable Commodity Specifications prior to submission of product to USDA for acceptance. Examination and certification by USDA is solely for the benefit of USDA and will not relieve the Contractor of its obligation and responsibility to deliver a product which complies with all requirements of the Announcement and the applicable Commodity Specifications. USDA approval of any part of the production process, including but not limited to equipment, will not relieve the Contractor of the responsibility for performing in accordance with the contract. Actual damages not duplicative of liquidated damages may be assessed for performance not in accordance with the contract.

VI. LOSS

A. DUE TO DETERIORATION OR SPOILAGE

The Contractor will be liable for losses due to deterioration or spoilage for the contracted commodities in accordance with the provisions of Article 61 of USDA-1.

B. DUE TO PRODUCT RECALLED FOR HEALTH OR SAFETY RISK

In accordance with Article 60 of USDA-1, the contractor shall be held liable for failure of the commodity or product to meet all of the contract requirements. In the event the commodity or product is recalled due to a health or safety risk, the contractor is responsible for the removal and replacement of recalled commodities or products, and reimbursement of State and local costs incurred as a result of the recall, as outlined in the Food and Nutrition Service's (FNS) Commodity Hold and Recall Process. These costs include, at a minimum, storage, transportation, processing and distribution of the commodities or products.

ANNOUNCEMENT FV-320

June 2003

Additionally, when contractor provides bulk product which is then further processed in accordance with a State contract, and that bulk product is subsequently recalled, the contractor is responsible for all costs incurred by USDA, the State Distributing Agency, and/or recipient agencies, as outlined in the FNS's Commodity Hold and Recall Process. At a minimum, these costs include replacement of the raw commodity and reimbursement for processing costs.

VII. INSPECTION

Inspection, as required by Articles 54 and 55 of USDA-1, must be performed by an AMS agent. The Contractor will not ship the product before receipt of shipping instructions from the Farm Service Agency (FSA) Kansas City Commodity Office (KCCO).

Destination inspection is a specification requirement.

A. Scheduling Inspection Service

The Contractor must give the USDA Grader at least 3 calendar days advance notice when scheduling inspection service. Prior to sampling, the Contractor must furnish the USDA Grader with a list of codes and the approximate number of cases per code, size, grade and variety.

Contractors are encourage to submit requests for inspection in writing with verifiable receipt notice, such as a fax log, to alleviate possible mis-communication.

VIII. SHIPMENT AND DELIVERY--TRANSFER OF TITLE

A. Delivery/Shipping Requirements

Shipment and delivery must be made in accordance with this Announcement, the applicable Invitation, Articles 56 and 64(b) of USDA-1, and the Notice-to-Deliver (Form KC-269) issued by KCCO. The Contractor must closely follow delivery notification instructions contained in the Notice-to-Deliver. Such notification of delivery is vital to proper execution of shipment, particularly in cases of minimal transit time.

The Contractor must notify State distributing agencies and consignees of delivery or shipment. For rail shipment, notification must be made on the day of shipment. For truck delivery or shipment, notification of the estimated arrival time should be made as far in advance of delivery as possible, but not less than 24 hours. In addition, for truck or piggyback shipment, the Contractor must request and keep scheduled appointments. Unloading appointments for truck or piggyback deliveries or shipment must be requested

ANNOUNCEMENT FV-320

June 2003

from the consignee contact party(ies) at least 24 hours in advance of delivery. A copy of the original USDA Agricultural Products Acceptance Certificate must accompany each delivery/shipment so that it will be easily available to the warehouseman or consignee (as applicable) upon arrival.

B. Early Delivery or Shipment Requests

Requests for permission to deliver or ship in advance of the "Deliver Net" date (which is the first day of the delivery period) given in the Notice-to-Deliver must be made to KCCO. Approval will be granted only if the consignee is willing to accept product early. The Contractor must arrange for an AMS agent to perform necessary inspection and final acceptance duties and provide KCCO the assurances required for the delivery arrangement.

C. Transfer of Title

Title and risk of loss will pass to USDA on the date of receipt of the product at the destination specified in the contract, as evidenced by suitable dated documentation such as the consignee's receipt, warehouse receipt, dock receipt, or other similar signed and dated document. If the Contractor has the product in storage and transfer of title is requested, title will pass to USDA as evidenced by the consignee's receipt after final certification of the shipping unit by an AMS agent. The Contractor is responsible for any shortage or damages as evidenced by the consignee's receipt or other commercial receipt evidencing delivery of product.

D. Quantity Tolerance

Contractor will be allowed a tolerance on the final delivery of plus or minus 50 cases of product from each shipping point named in the contract.

IX. LIQUIDATED DAMAGES

A. Compensation to Contractor for Late Mailing of Notice to Deliver

Liquidated damages for delay in shipment or delivery due to the late mailing of Notice-to-Deliver will be payable in accordance with Article 65 of USDA-1 and will be at the rate of 15 cents per hundredweight (\$0.0015 per pound) net per calendar day.

ANNOUNCEMENT FV-320

June 2003

B. Compensation to USDA for Delays in Shipment

Timely delivery is important to fulfill the nutritional and dietary needs of persons for whom the commodity is intended. Failure to deliver the commodity during the delivery period, for reasons other than causes beyond the control and without the fault or negligence of the vendor, may be grounds for termination of that line item, or termination of the entire contract, or liquidated damages based upon a rate determined by the Contracting Officer.

If a vendor determines that it will not be able to deliver the commodity by the Not Later Than date on the Notice to Deliver, the vendor is required to notify the contracting office immediately. Failure to notify the contracting office within 2 working days following a failure to deliver within the delivery period may result in termination of that line item, termination of the entire contract, or a discount being assessed.

When deliveries are made by contract carrier or vendor's own vehicle, the date shown on the signed commercial bill of lading will be considered the date of delivery.

X. INVOICES AND PAYMENT

Invoicing and payment will be handled in accordance with Article 70 of USDA-1, except that a properly prepared invoice package must be mailed or delivered to the Kansas City Management Office at the address listed in Section XI. C. of this Announcement. A properly prepared invoice package will consist of:

- A. USDA Form KC-269 or commercial invoice form;
and
- B. Destination Inspection Certificate, Form FV-300

Interest will be paid in accordance with the provisions of the Prompt Payment Act (31 U.S.C. § 3902) if payment is made beyond the tenth calendar day after the date of delivery. For payment purposes, the date of delivery will be the receipt date by the Kansas City FSA Management Office, of a properly prepared invoice package.

ANNOUNCEMENT FV-320

June 2003

Recent legislation requires that all Government payments be made directly to a financial banking institution by electronic transfer. To receive payments electronically, Form SF-3881, ACH Vendor Payment Form may be obtained from the Kansas City FSA Management Office, Commodity Financial Operations Division, Inventory Control Branch; Telephone (816) 926-2550.

When payment by electronic transfer has been established, the Contractor must notify the Contracting Officer of the mailing address for the disbursement statement.

XI. INQUIRIES

A. Inquiries pertaining to this Announcement and applicable documents should be directed to:

Contracting Officer
USDA/AMS/Fruit and Vegetable Programs
Commodity Procurement Branch STOP 0239
1400 Independence Avenue, S.W.
Washington, D.C. 20250-0239

Telephone: (202) 720-4517

B. Inquiries concerning shipping instruction should be directed to:

Director, Kansas City FSA Commodity Office
U.S. Department of Agriculture
P.O. Box 419205
Kansas City, Missouri 64141-6205

Telephone: (816) 926-6062

C. Inquiries concerning payment should be directed to:

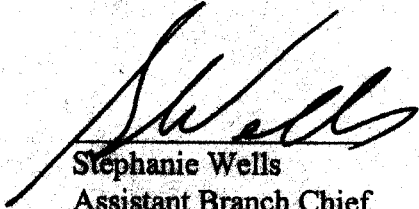
Kansas City Management Office
U.S. Department of Agriculture
ATTN: CFOD
P.O. Box 419205
Kansas City, Missouri 64141-6205

Telephone: (816) 926-6205

License Requirement of the PACA

Under the PACA, a person who buys or sells fresh or frozen fruits and vegetables in interstate or foreign commerce in commercial quantities (2,000 lbs.) is required to be licensed by U.S. Department of Agriculture. In addition, a person who negotiates the sale of fresh or frozen fruits and vegetables on behalf of another person, such as a broker, is required to be licensed. A grower who only sells the produce he produces is exempt from licensing.

You may call 1-800-495-7222 to apply for a license or to make further inquiry about your liability for a PACA license.



Stephanie Wells
Assistant Branch Chief
Fruit and Vegetable Programs
Agricultural Marketing Service

Attachments

Exhibit A

Checklist and References to Applicable Bid and Contract Provisions

Product Commodity & Style	U. S. Grade	Specifications Listed in Priority Order	Commodity at Item Description	Packaging and Packing	Min. Shipping Unit	Tolerance Section	Shipping/ Delivery Period Section	Competition (See Invitation for exceptions) Full & Open
Potatoes for Processing Shepody, Ranger, Umatilla, Russett Barbunk	U.S. No. 1 or No. 2	Invitation Commodity Specification for Miscellaneous Products	None	Bulk	40,000	Plus or minus 5% cases per shipping point.	3 day delivery period	
Tomatoes for Processing	U.S. No. Comb. Grade or U.S. No. 1	U.S. Standard 7 CFR, Part 52 Commercial Item Description (if any)	None	Bulk Not be less than 1 1/2 in.	40,000			

Exhibit B
Sample Invitation

Please Note: New vendors and subcontractors must supply all of the required paperwork (Solicitation Mailing List Application, SF-129, Appendix I, Financial Statement, and 3 Reference Letters) one week prior to bid opening (June 1, 2003) or your company may be considered non-responsible.

FV-320

Fruit and Vegetable Programs

Date Issued: May 30, 2003

Miscellaneous Products, Announcement FV-320, Invitation 001.

The Department of Agriculture (USDA) invites offers to sell miscellaneous products as indicated below and per the Announcement for use in needy family programs and other domestic food assistance programs. Offers are due by 1 p.m., Central Time, Friday, June 1, 2003. Acceptances will be announced by midnight, Friday, February 15, 2003. Deliveries are to be made from July 1, 2003 to July 15, 2003.

Offers are invited from the trade for potatoes and tomatoes for further processing, in purchase units of 40,000 pounds bulk. Prices will be submitted on a per pound basis.

Bids must be submitted electronically via the Domestic Electronic Bid Entry System (DEBES) on the Internet. Offerors who submit bids using other than DEBES, will be deemed non-responsive. Offeror must be assigned a Logon ID by USDA to access the site. The Internet address is: <http://pcsd.usda.gov/debes> which translates into a connection of <https://pcsd.usda.gov:3077/mdbc1000.exe>? Once connected, follow the online procedures. A 'HELP' button provides detailed instructions for using the system or call 202-720-4517 for assistance.

Bidders are cautioned to bid only quantities they can reasonably expect to produce and deliver in accordance with the contract. Inquiries about Announcement FV-320, Appendix-1, the Commodity Specification for Miscellaneous Products dated May 2003, or this Invitation should be directed to the Contracting Officer, USDA/AMS/Fruit and Vegetable Programs, Commodity Procurement Branch STOP 0239, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, telephone (202) 720-4517. An electronic version of this invitation can be obtained through the World Wide Web via the Commodity Procurement Home Page at <http://www.ams.usda.gov/cp>.

Purchases will be made on a delivered basis, subject to Announcement FV-320, to the listed locations. Delivery by trucks or railcars is optional to the contractor, except for those destination(s) which specify delivery by truck only or rail only.

Multiple DO's are indicated by single asterisk.

ANNOUNCEMENT : FV320
 INVITATION : 001
 COMM GROUP : 89 MISC PROD BULK
 COMM TYPE : 10 TOMATOES-BULK
 PACK SIZE : 90 BULK

ITEM NO	DESTINATION CITY	ST	TRANS RESTR	QUANTITY (LBS)	PRICE PER (LB)
DELIVERY PERIOD 07/07/03 - 07/09/03					
001	BRONX	NY	TRUCK ONLY	40000	_____
002	WASHINGTON	DC	TRUCK ONLY	40000	_____
003	BALTIMORE	MD	TRUCK ONLY	40000	_____
DELIVERY PERIOD 07/14/03 - 07/16/03					
004	CADILLAC	MI	TRUCK ONLY	40000	_____
005	NEW ORLEANS	LA	TRUCK ONLY	40000	_____
TOTAL QUANTITY FOR COMMODITY TYPE				200,000	
TOTAL QUANTITY FOR INVITATION				200,000	

Contracting Officer

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

Exhibit C

Sample Format for Submitting Offers Via FAX

The following format, which contains all the necessary information for an offer, will assist you in submitting your offer at minimum cost and in a concise and orderly manner. When submitting offers, please list in numerical order the required information as shown in the example (see Section II. B.):

Example

1. BID: Announcement FV320; Invitation No. 001
2. Potomac Vegetable Co.
1776 Mt. Vernon Avenue, NW
Washington, DC 20250
Telephone No. (202)455-3156
FAX# (202)455-3157
3. Offer is made subject to Announcement FV-320; Appendix 1; the Commodity Specification for Miscellaneous Products dated July 2003; Invitation No. 001; and USDA-1, Revision No. 2.

4.	(a)	<u>Shipping point 1</u>		(b)	42 purchase units, Round White	(c)	1 purchase unit, Round White
		6 purchase units, Round White			56 purchase units, Russet		1 purchase unit, Russet
		6 purchase units, Russet					
5.	001	BRONX	NY	\$1.00			
	002	TOLEDO	OH	\$1.00			
	003	NEW ORLEANS	LA	\$1.00			
	004	BATON ROUGE	LA	\$1.00			
		NEW ORLEANS	LA				
	005	KANSAS CITY	MO	\$1.00			
		ST LOUIS	MO				
	006	LONG BEACH	CA	\$1.00			
	007	LOS ANGELES	CA	\$1.00			
	008	RIVERSIDE	CA	\$1.00			
		SAN BERNARDINO	CA				
	009	SAN DIEGO	CA	\$1.00			
	010	LOS ANGELES/FAS	CA	\$1.00			
	011	BRONX	NY	\$1.00			
	012	HILLSIDE	NJ	\$1.00			
	013	VINELAND	NJ	\$1.00			
	014	JACKSON	TN	\$1.00			
		MEMPHIS	TN				
	015	MARTIN	TN	\$1.00			
		MEMPHIS	TN				
	016	MEXICO	MO	\$1.00			
		ST LOUIS	MO				

017 BELL	CA	\$1.00
018 LOS ANGELES	CA	\$1.00
019 BRONX	NY	\$1.00
020 EAST SYRACUSE	NY	\$1.00
021 ELMIRA	NY	\$1.00
MILLWOOD	NY	
022 GREENSBURG	PA	\$1.00

6. (a) Potomac Vegetable Co.
1776 Mt. Vernon Avenue, NW
Washington, DC 20250
(Lincoln County)
- (b) Shipping point 1: same
Shipping point 2: Cross Town Warehouse
1120 Eastern Avenue, SW
Washington, DC 20250
(Lincoln County)
7. G. Washington
Potomac Vegetable Co.
1776 Mt. Vernon Avenue, NW
Washington, DC 20250
Telephone: 202-263-2353
8. Offeror (DOES) (DOES NOT) certify that the SF-129 on file with the Contracting Officer is accurate and a part of this offer.
9. (Select a, b or c as appropriate)
(a) have
(b) have not, have
have not, have not
(c) does not
10. (Select a and b as appropriate)
(a) does, dated April 15, 1999
does not
(b) has
has not
11. Offeror (IS) (IS NOT) requesting price preference as a Small Business Administration Certified HUBZone Business Concern.
12. (SIGNED)
G. Washington, President

Exhibit D
DOMESTIC ORIGIN CERTIFICATION

This form must be completed for each contract awarded and be presented to a representative of the USDA, Agricultural Marketing Service (AMS) Processed Products Branch (PPB) (USDA grader) at the processing facility, and the Contracting Officer or agent thereof upon request. Each processing plant producing product under this contract must have a copy of this form on file.

Announcement Number: _____

Invitation Number: _____

Contract Number: _____

Product: _____

Date of Pack: _____

List of Codes (and case count per code):

Attach a detailed explanation of the product coding system.

Does your company process or handle products originating from sources other than the United States, its territories or possessions, Puerto Rico, or the Trust Territories of the Pacific Islands?

☐ YES ☐ NO If yes, attach a copy of your segregation plan explaining how imported product is stored and processed separate from domestic product.

Do any of your Subcontractor/Suppliers process or handle products originating from sources other than the United States, its territories or possessions, Puerto Rico, or the Trust Territories of the Pacific Islands?

☐ YES ☐ NO If yes, attach a copy of your segregation plan explaining how imported product is stored and processed separate from domestic product.

I certify under penalty of law that all products sold to the Department of Agriculture are of 100 percent domestic origin and that all above statements are true.

Signature: _____

Title: _____

Company: _____

Date: _____

Exhibit E
Solicitation Mailing List Application (SF-129)

SOLICITATION MAILING LIST APPLICATION

1. TYPE OF APPLICATION
☐ INITIAL ☐ REVISION

2. DATE

OMB No.: 9000-0002
 Expires: 10/31/97

NOTE: Please complete all items on this form. Insert N/A in items not applicable. See reverse for instruction.

Public reporting burden for this collection of information is estimated to average .58 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.

3. SUBMIT TO	a. FEDERAL AGENCY'S NAME			4. APPLICANT	a. NAME		
	b. STREET ADDRESS				b. STREET ADDRESS		c. COUNTY
	c. CITY	d. STATE	e. ZIP CODE		d. CITY		e. STATE e. ZIP CODE
5. TYPE OF ORGANIZATION (Check one)						6. ADDRESS TO WHICH SOLICITATIONS ARE TO BE MAILED (If different than item 4)	
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> NON-PROFIT ORGANIZATION <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION, INCORPORATED UNDER THE LAWS OF THE STATE OF:						a. STREET ADDRESS b. COUNTY c. CITY d. STATE e. ZIP CODE	

7. NAMES OF OFFICERS, OWNERS, OR PARTNERS		
a. PRESIDENT	b. VICE PRESIDENT	c. SECRETARY
d. TREASURER	e. OWNERS OR PARTNERS	

8. AFFILIATES OF APPLICANT		
NAME	LOCATION	NATURE OF AFFILIATION

9. PERSONS AUTHORIZED TO SIGN OFFERS AND CONTRACTS IN YOUR NAME (Indicate if agent)		
NAME	OFFICIAL CAPACITY	TELEPHONE NUMBER
		AREA CODE NUMBER

10. IDENTIFY EQUIPMENT, SUPPLIES, AND/OR SERVICES ON WHICH YOU DESIRE TO MAKE AN OFFER (See attached Federal Agency's supplemental listing and instruction, if any)

11a. SIZE OF BUSINESS (See definitions on reverse)		11b. AVERAGE NUMBER OF EMPLOYEES (including affiliates) FOR FOUR PRECEDING CALENDAR QUARTERS	11c. AVERAGE ANNUAL SALES OR RECEIPTS FOR PRECEDING THREE FISCAL YEARS
<input type="checkbox"/> SMALL BUSINESS (If checked, complete items 11B and 11C) <input type="checkbox"/> OTHER THAN SMALL BUSINESS			\$
12. TYPE OF OWNERSHIP (See definitions on reverse) (Not applicable for other than small businesses)		13. TYPE OF BUSINESS (See definitions on reverse)	
<input type="checkbox"/> DISADVANTAGED BUSINESS <input type="checkbox"/> WOMAN-OWNED BUSINESS		<input type="checkbox"/> MANUFACTURER OR PRODUCER <input type="checkbox"/> CONSTRUCTION CONCERN <input type="checkbox"/> SURPLUS DEALER <input type="checkbox"/> SERVICE ESTABLISHMENT <input type="checkbox"/> RESEARCH AND DEVELOPMENT	
14. DUNS NO. (If available)		15. HOW LONG IN PRESENT BUSINESS?	

16. FLOOR SPACE (Square Feet/M ²)		17. NET WORTH	
a. MANUFACTURING	b. WAREHOUSE	a. DATE	b. AMOUNT
			\$

18. SECURITY CLEARANCE (If applicable, check highest clearance authorized)				c. NAMES OF AGENCIES GRANTING SECURITY CLEARANCES	d. DATES GRANTED
FOR	TOP SECRET	SECRET	CONFIDENTIAL		
a. KEY PERSONNEL					
b. PLANT ONLY					

The information supplied herein (including all pages attached) is correct and neither the applicant nor any person (or concern) in any connection with the applicant as a principal or officer, so far as is known, is now debarred or otherwise declared ineligible by any agency of the Federal Government from making offers for furnishing materials, supplies, or services to the Government or any agency thereof.

19a. NAME OF PERSON AUTHORIZED TO SIGN (Type or print)	20. SIGNATURE	21. DATE SIGNED
19b. TITLE OF PERSON AUTHORIZED TO SIGN (Type or print)		

AUTHORIZED FOR LOCAL REPRODUCTION
 Previous edition not usable

STANDARD FORM 129 (REV. 12-96)
 Prescribed by GSA - FAR (48 CFR) 53.214(e)

INSTRUCTIONS

Persons or concerns wishing to be added to a particular agency's bidder's mailing list for supplies or services shall file this properly completed Solicitation Mailing List Application, together with such other lists as may be attached to this application form, with each procurement office of the Federal agency with which they desire to do business. If a Federal agency has attached a Supplemental Commodity list with instructions, complete the application as instructed. Otherwise, identify in Item 10 the equipment, supplies, and/or services on which you desire to bid. (Provide Federal Supply Class or Standard Industrial Classification codes, if available.) The application shall be submitted and signed by the principal as distinguished from an agent, however constituted.

After placement on the bidder's mailing list of an agency, your failure to respond (submission of bid, or notice in writing, that you are unable to bid on that particular transaction but wish to remain on the active bidder's mailing list for that particular item) to solicitations will be understood by the agency to indicate lack of interest and concurrence in the removal of your name from the purchasing activity's solicitation mailing for items concerned.

SIZE OF BUSINESS DEFINITIONS (See Item 11A.)

a. Small business concern - A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is competing for Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or the other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.)

b. Affiliates - Business concerns are affiliates of each other when either directly or indirectly (i) one concern controls or has the power to control the other, or (ii) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationship. (See Items 8 and 11A.)

c. Number of employees - (Item 11B) In connection with the determination of small business status, "number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary or other basis during each of the pay periods of the preceding 12 months. If a concern has not been in existence for 12 months, "number of employees" means the average employment of such concern and its affiliates during the period that such concern has been in existence based on the number of persons employed during each of the pay periods of the period that such concern has been in business.

TYPE OF OWNERSHIP DEFINITIONS (See Item 12.)

a. "Disadvantaged business concern" - means any business concern (1) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (2) whose management and daily business operations are controlled by one or more of such individuals.

b. "Women-owned business" - means a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

TYPE OF BUSINESS DEFINITIONS (See Item 13.)

a. "Manufacturer or producer" - means a person (or concern) owning, operating, or maintaining a store, warehouse, or other establishment that produces, on the premises, the materials, supplies, articles or equipment of the general character of those listed in Item 10, or in the Federal Agency's Supplemental Commodity List, if attached.

b. "Service establishment" - means a concern (or person) which owns, operates, or maintains any type of business which is principally engaged in the furnishing of nonpersonal services, such as (but not limited to) repairing, cleaning, redecorating, or rental of personal property, including the furnishing of necessary repair parts or other supplies as a part of the services performed.

- **COMMERCE BUSINESS DAILY** - The Commerce Business Daily, published by the Department of Commerce, contains information concerning proposed procurements, sales, and contract awards. For further information concerning this publication, contact your local Commerce Field Office.